

RECEIVED

**GAINEY McKENNA & EGLESTON**

**JAN 29 2018**

ATTORNEYS AT LAW  
e-mail: info@gme-law.com

AT 8:30 \_\_\_\_\_ M  
WILLIAM T. WALSH  
CLERK

95 ROUTE 17 SOUTH  
SUITE 310  
PARAMUS, NEW JERSEY 07652  
TEL: (201) 225-9001  
FAX: (201) 225-9002

440 PARK AVENUE SOUTH  
FIFTH FLOOR  
NEW YORK, NEW YORK 10016  
TEL: (201) 225-9001  
FAX: (201) 225-9002

ORDER \*

Please Reply to Paramus Address

RECEIVED  
Please Reply to Paramus Address

**JAN 29 2018**

January 26, 2018

**VIA ECF**

Magistrate Judge Douglas E. Arpert  
Clarkson S. Fisher Federal Building  
& U.S. Courthouse  
402 East State Street  
Trenton, New Jersey 08608

DOUGLAS E. ARPERT  
U.S. MAGISTRATE JUDGE

Re: Briefing Schedule for Class Certification Motion  
Fenwick, et al. v. Ranbaxy, et al.  
12-CV-07354-PGS-DEA  
Our File No.: 170.187

Dear Honorable Judge Arpert:

Our law firm represents the plaintiffs in the captioned class action case. We are writing to address an error in a letter filed earlier today by local counsel for the defendants, Michael Patunas. The error is that his letter contains the wrong filing date for the Motion for Class Certification. I sent an e-mail to Mr. Patunas about the error and I called his office. I have not heard back from him. For that reason, I am submitting a letter.

The briefing schedule for the Motion for Class Certification was set during a conference call with Your Honor, which was held at 2:00 p.m. on January 18<sup>th</sup>. During that conference call, I requested a filing date of March 23<sup>rd</sup> for our Motion for Class Certification. The defendants voiced their opposition to the date, including that it provided "almost 75 days" after the last expert deposition on January 11<sup>th</sup>. In response, I commented on the issues involved in the motion and on the significant damages involved. You ruled that the motion should be filed on March 23<sup>rd</sup> (the date I requested).

Then the defendants asked for 45 days to file their opposition papers, which I noted was a long time for opposition. Your Honor agreed but noted that I am being given "almost 75 days" to file the motion. You ruled that their opposition will be due on May 4<sup>th</sup>, which gives the defendants 42 days. Thereafter, you ruled that the reply papers will be due on May 25<sup>th</sup>.

The letter filed by Mr. Patunas today contains an incorrect filing date for the Motion for Class Certification. He incorrectly states that the filing date is March 13<sup>th</sup> instead of March 23<sup>rd</sup>. I assume that it was a typographical error. Either way, the record needs to be corrected before Your Honor signs an Order for the briefing schedule.

\* So, to summarize, the correct briefing schedule is as follows:

- Motion for Class Certification must be filed on March 23, 2018;
- Opposition papers on the Motion for Class Certification must be filed on May 4, 2018;  
and
- Reply papers on the Motion for Class Certification must be filed on May 25, 2018.

We respectfully request that you ignore Mr. Patunas' erroneous letter and "So Order" this letter and have it entered on the Docket.

Thank you for your time and consideration in this matter.

Respectfully yours,

**GAINEY McKENNA & EGGLESTON**

Barry J. Gainey

BJG/dxg

cc: Defense Counsel  
(Via ECF)

So Ordered -  
J. J. Gant -